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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,424	08/03/2001	Alok Kumar Srivastava	50277-1719	7473

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EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/922,424		SRIVASTAVA ET AL.	
	Examiner		Art Unit	
	Camquy Truong		2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 13-23, 25-27 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-5 and 19-23 is/are allowed.
- 6) ☒ Claim(s) 7-9, 14-18, 25-27, 31-37, and 39-40 is/are rejected.
- 7) ☒ Claim(s) 13 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5, 7-9, 13-23, 25-27, and 31-40 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 25, 27, 31-36, 26, and 39-40 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. As to claims 25 and 26 recites "a computer readable medium" (lines 1-2) and the specification discloses carrier medium as including transmission media such as light waves (page 13, lines 12-19). Transmission media or signals such as light waves are incapable of being touched or perceived absent the tangible medium through which they are conveyed; therefore, claims 25 and 26 are non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 14, 17-18, 25, 27, 32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iba et al (U.S. Patent 5,835,766) in view of Doshi et al (U.S. Patent 6,021,113).

6. As to claims 7 and 25, Iba teaches a method for selecting a victim to be used during resolution of a deadlock, the method comprising the steps of:

initially establishing a plurality of candidates involved in said deadlock as candidates to be said victim (Fig. 28c; col. 5, lines line 55 – col. 6, line 6; col. 12, lines 61-66; col. 21, lines 37-46);

filtering said plurality of candidates based on one or more factors until a single candidate remains as a candidate to be said victim, wherein the step of filtering comprise filtering each candidate of the plurality of candidates by taking into account, for each candidate, at least factor of the one or more factor (col. 12, lines 26-66); and

selecting said single candidate as the victim to be used during resolution of said deadlock (col. 12, lines 65-67).

7. Iba does not explicitly teach removing from said plurality of candidates any candidates that have a CAN-Be-VICTIM flag that indicates the candidate cannot a victim. However, Sankaran teaches removing from said plurality of candidates any

candidates that have a CAN-Be-VICTIM flag that indicates the candidate cannot a victim (col. 19, lines 34-36).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Iba and Sankaran because Sankaran's removing from said plurality of candidates any candidates that have a CAN-Be-VICTIM flag that indicates the candidate cannot a victim would increase the efficiency of Sankaran's system by removing from said plurality of candidates any candidates that have a CAN-Be-VICTIM flag that indicates the candidate cannot a victim to improve the efficiency of using the capacity requirements.

9. As to claim 9, Iba teaches filtering further includes removing from said plurality of candidates all the candidates that are associated with possessory entities have been running for a duration of time that is relatively longer than the duration of time that possessory entities associated with the other candidates have been running (col. 12, lines 55-60).

10. As to claim 14, Iba teaches filtering based on priorities established for candidates (col. 12, lines 46-52 and lines 62-64).

11. As to claim 17, Iba teaches a portion of the priority of a given candidate is established statically (col. 12, lines 37-39).

12. As to claim 18, Iba teaches portion is established based on the type of the given candidate (col. 12, lines 39-40).

13. As to claim 27, it is rejected for the same reason as claim 9.

14. As to claim 32, it is rejected for the same reason as claim 14.

15. As to claim 35, it is rejected for the same reason as claim 17.

16. As to claim 36, it is rejected for the same reason as claim 18.

17. Claims 8, 26, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iba et al (U.S. Patent 5,835,766) in view of Sweeney (U.S. Patent 4,965,716).

18. As to claims 8, and 26, Iba teaches a method for selecting a victim to be used during resolution of a deadlock, the method comprising the steps of:

initially establishing a plurality of candidates involved in said deadlock as candidates to be said victim (Fig. 28c; col. 5, lines line 55 – col. 6, line 6; col. 12, lines 61-66; col. 21, lines 37-46);

filtering said plurality of candidates based on one or more factors until a single candidate remains as a candidate to be said victim, wherein the step of filtering comprise filtering each candidate of the plurality of candidates by taking into account, for each candidate, at least factor of the one or more factor (col. 12, lines 26-66); and

selecting said single candidate as the victim to be used during resolution of said deadlock (col. 12, lines 65-67).

19. Iba does not explicitly teach removing from said plurality of candidates the candidates whose resources priority is higher than the resource priority of at least of the other candidates. However, Sweeney teaches removing from said plurality of candidates the candidates whose resources priority is higher than the resource priority of at least of the other candidates (col. 3, line 42 – col. 4, line 20).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Iba, and Sweeney because Sweeney' removing from said plurality of candidates the candidates whose resources priority is higher than the resource priority of at least of the other candidates would provide an efficient contention resolution.

21. As to claims 37 and 39, Iba teaches filtering further includes removing from said plurality of candidates all the candidates that are associated with possessory entities have been running for a duration of time that is relatively longer than the duration of time that possessory entities associated with the other candidates have been running (col. 12, lines 55-60).

22 Claims 15-16, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iba et al (U.S. Patent 5,835,766) in the view of Sweeney (U.S. Patent 4,965,716) and further in view of Porter et al (U. S. Patent 6,332,023 B1).

23 As to claims 15-16, and 33-34, Iba and Davies do not teach a portion of the priority of a given candidate is established dynamically and portion is established based on which resources other than said candidate are held by a possessory entity associated with the given candidate. However, Porter teaches a portion of the priority of a given candidate is established dynamically and portion is established based on which resources other than said candidate are held by a possessory entity associated with the given candidate (col. 3, lines 5-19).

24 It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Iba, Sweeney and Porter because Porter' portion of the priority of a given candidate is established dynamically and portion is established based on which resources other than said candidate are held by a

possessory entity associated with the given candidate would allow network resources to be dynamically reserved.

Allowable Subject Matter

25. Claims 1-5, 19-23 are allowed over prior art of record.

26. Claims 31, and 40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

27. Claim 13 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

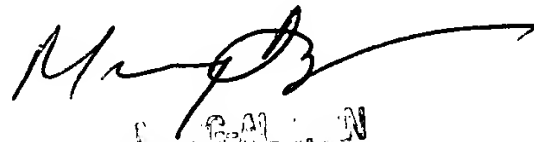
28 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

March 21, 2006


LEGAL COUNSEL
SUPERVISORY PATENT EXAMINER
TECHNICAL STAFF